

FILED

United States District Court
Northern District of Indiana
Division

12 APR -4 PM 2:27

Richard h. Chadwell
(Plaintiff)

ROBERT N. TRGOVICH
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

vs. TERRI LEEFY
Payroll services INC.
(Defendant).

11 12CV110

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against defendant TERRI LEEFY and Payroll services INC.
for discrimination as set forth below. (HANDMARK MGT. INC.)

Plaintiff ☒ DOES ☐ DOES NOT (indicate which) demand a jury trial.

I. PARTIES

Plaintiff's Name: Richard h. Chadwell

Plaintiff's Address: 327 CAPRI CT.
Bluffton, IN 46714

Plaintiff's Telephone: 260-827-0372

Defendant's Name: ① TERRI LEEFY ② Payroll services INC.

Defendant's Address: ① 830 W. State A. Ashley, IN 46705
② 597 Bryan Avenue, PO Box 703
Wabash, IN 46792

③ handmark Mgt. INC /% Teri Leedy
PO BOX 703 WABASH IN
46792

II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ Other (list): _____

2. Plaintiff ☒ DID ☐ DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. **[If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].**

3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was **RECEIVED** on or about FEB 17, 2012 (insert date the plaintiff **received** the notice – in most instances this will not be the same date stamped on the notice). **[Plaintiff should attach a copy of the Notice of Right to Sue to this Complaint].**

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

IV. FACTS IN SUPPORT OF COMPLAINT

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages):

I Richard Chadwell was TOLD BY TERI LEROY MGR of Ashley Hudson Apts, that I could not be hired while I lived at the apts. Since others have, and are hired that live there I discriminated against.

IV. PRAYER FOR RELIEF

Based on the foregoing, plaintiff seeks the following relief:

I Richard Chadwell seek damages in the amount that would have been paid from the time of employment to current. I also request that an investigation be conducted so that others who were discriminated against also have a voice, but can't because of their disabilities.

VI. AFFIRMATION OF PLAINTIFF

I, Richard Chadwell, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.

Richard Chadwell
(Signature of Plaintiff)

04/02/2012
(Date)



**U.S. Equal Employment Opportunity Commission
Indianapolis District Office**

101 West Ohio St
Suite 1900
Indianapolis, IN 46204
(317) 226-7212
TDD: 1-800-669-6820
Fax: (317) 226-7953
1-800-669-4000

Respondent: CENTRAL PAYROLL SERVICES, INC.
EEOC Charge No.: 846-2012-11535
FEPA Charge No.:

January 31, 2012

Richard L. Chadwell
327 Capri Ct
Bluffton, IN 46714

Dear Mr. Chadwell:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☒ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)
- ☐ The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,


Randy G. Poynter
Enforcement Supervisor
(317) 226-5670

Office Hours: Monday – Friday, 8:30 a.m. - 4:30 p.m.
www.eeoc.gov

260 -
- 473 - 3000
Key

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Richard L. Chadwell**
327 Capri Ct
Bluffton, IN 46714

From: **Indianapolis District Office**
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2012-11535**Randy G. Poynter,**
Enforcement Supervisor**(317) 226-5670**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Webster N. Smith,
District Director

FEB 14 2012

(Date Mailed)

Enclosures(s)

cc:

CENTRAL PAYROLL SERVICES, INC.
c/o Terri Leedy
597 Bryan Avenue
P.O. Box 703
Wabash, IN 46792

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

846-2012-11535

Indiana Civil Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Richard L. Chadwell

Home Phone (Incl. Area Code)

(260) 827-0372

Date of Birth

03-21-1969

Street Address

City, State and ZIP Code

327 Capri Ct, Bluffton, IN 46714

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CENTRAL PAYROLL SERVICES, INC.

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(260) 563-1342

Street Address

City, State and ZIP Code

597 Bryan Avenue, P.O. Box 703, Wabash, IN 46992

Name

HAND MARK MGT. LLC. % Teri Leedy

No. Employees, Members

Phone No. (Include Area Code)

260 563-2703

Street Address

City, State and ZIP Code

PO BOX 703 WABASH, IN 46992

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE OF DISCRIMINATION TOOK PLACE

03-16-2011 08-03-2011

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a male and a qualified individual with a disability, as defined by the Americans with Disabilities Act, as amended. On March 16, 2011 and August 3, 2011, I spoke with Teri Leedy, site manager at Ashley Hudson Apartments (Central Payroll Services, Inc.) about a position at Ashley Hudson Manor (where I was currently living). Ms. Leedy advised me that I could not be hired by the Company if I lived at the complex, even though other residents were hired.

I believe Ms. Leedy and/or the Company actually refused to hire me because of my gender, male, in violation of Title VII of the Civil Rights Act of 1964, as amended; and/or, my disability, record of disability, and/or perceived disability, in violation of the Americans with Disabilities Act, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
 SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

x 4-22-12 x Richard L. Chadwell

Date

Charging Party Signature

07 CAPITAL COURT
HARRISON, IN

5714

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
1108 E. ROSS ADAIR COURTHOUSE
1300 S. HARRISON ST
FORT WAYNE, INDIANA 46802

